

REMARKS

Claims 1-4 are all the claims currently pending in the application.

Applicant thanks the Examiner for indicating that the drawings received on June 26, 2008 are approved. However, the Examiner objected to Figures 1 and 2. The Examiner believes that these figures should be labeled “Prior Art.” Applicant respectfully disagrees, for the reasons explained below.

Applicant has made no admission that the drawings to which the Examiner objects are prior art. These figures are discussed in the background section of the present application, and the specification explains that these figures show “a conventional track traveling device.” Paragraphs [0012-0013]. The descriptor “conventional” does not imply that the device is prior art. For example, something might be “conventional” to the Applicant (such as in-house knowledge), yet not qualify as “prior art” under any subsection of Section 102. Moreover, it should be abundantly clear from the specification that these figures do not show embodiments of the present invention.

Claim Rejections - 35 USC § 103

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over laid open Japanese Utility Model (JP-U) 56-95983 in view of Satzler (U.S. Patent No. 5,127,714). The Examiner states, and Applicant agrees, that JP-U 56-95983 lacks the following feature of claim 1: “an adjustment mechanism...provided at the idler wheel and the wheel.”

The Examiner relies on the disclosure in Satzler of an adjustment mechanism on an idler wheel and/or a drive wheel, and argues that combining the teachings of the two references would have been obvious to one of ordinary skill in the art. Applicant disagrees because: (1) JP-U 56-95983 fails to teach or suggest the adjustment mechanism and the placement of the alleged

adjustment mechanism claimed in claim 1; (2) Satzler fails to teach the placement of adjustment mechanism claimed in claim 1; and (3) the Examiner does not provide adequate rationale for combining the references. Thus, Applicant respectfully traverses the Examiner's rejections for at least the following reasons.

Even if there is a rationale to combine the references, the combination of JP-U and Satzler fails to teach every feature of the instant invention

With respect to claim 1, neither reference teaches, or even suggests, at least "an adjustment mechanism for orienting the direction of the rubber track to the direction of the vehicle is provided at the idler wheel and the wheel."

Instead, according to Applicant's reading of the reference, JP-U 56-95983 teaches a wheel that "**follows the crawler** because it can oscillate around its axis." Page 1, line 22. As Applicant understands JP-U 56-95983, a wheel simply follows a crawler (alleged rubber track) and oscillates based on a position and orientation of the crawler. Further, the reference teaches that the wheel "is **displaced** by vertical direction oscillation **in response to displacement in a vertical direction of the crawler**." In other words, the wheel responds to the crawler, instead of "orienting the direction of the rubber track."

The Examiner relies on JP-U 56-95983 to teach the adjustment mechanism of the instant invention. The cited art of record fails to teach the adjustment mechanism as claimed. For at least this reason, Applicant believes that claim 1 is allowable and respectfully requests the Examiner to withdraw the rejection.

The Examiner admits that JP-U 56-95983 fails to teach the provision of an adjustment mechanism at a wheel closest to the drive wheel or at an idler wheel. The Examiner has argued that Satzler supplies features of the present invention that are absent from JP-U 56-95983.

Applicant respectfully disagrees. Satzler fails to cure the deficient disclosure of JP-U 56-95983, in particular, with respect to the claimed adjustment mechanism “provided at the idler wheel and the wheel.”

Even if the Examiner interprets the system in Satzler as teaching the claimed adjustment mechanism, Satzler teaches “angling one or both of the front or rear wheels.” Col. 1, lines 62-63. Claim 1 requires that the adjustment mechanism is provided at the wheel, where the wheel is defined in the claim as “at least one wheel provided between the idler wheel and the drive wheel.” The alleged adjustment mechanism in Satzler is not provided “between the idler wheel and the drive wheel.” Instead, it is only provided at the front and/or rear wheels. Therefore, Satzler is unable to cure the deficient disclosure of JP-U 56-95983.

Applicant submits that the combination of JP-U 56-95983 and Satzler does not teach or suggest all features of present claim 1. As such, Applicant believes that claim 1 is allowable over the cited art of record. Furthermore, with respect to claims 2-4, these claims depend from independent claim 1. As such, Applicant asserts that these claims are allowable at least by virtue of their dependency from claim 1.

The Examiner has not provided adequate rationale for combining the references

The reasons provided by the Examiner for combining are too generic and employ improper hindsight. On Page 3 of the Office Action, the Examiner states the following reasons: “preventing the track from coming off of the wheels during use..., and to reduce wear on all components during changes of direction.” While these are benefits of the instant invention, there are no suggestions in the cited art of record that these were problems that needed to be solved.

A person of ordinary skill in the art would not have read the references and identified the need for the instant invention. The cited art of record was intended to solve similar problems,

and the references indicated that these problems were, in fact, addressed. It is improper to look back to the past state of the art and claim that since the instant invention improves upon the goals of that art, then it would have been obvious to make these improvements. Therefore, not only does the combination of references not teach all features of the instant invention, but the Examiner has not properly combined the references.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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